

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

421 1st AVENUE SOUTH, LLC d/b/a
COWGIRLS, INC.,

Plaintiff,

V.

GREAT LAKES INSURANCE SE, an
insurance company,

Defendant.

No.: C22-637-RSL-MLP

STIPULATED MOTION TO STAY

NOTE ON MOTION CALENDAR:
May 12, 2022

Plaintiff 421 1st Avenue South, LLC d/b/a Cowgirls, Inc. (“Cowgirls”) and Defendant Lakes Insurance SE (“Great Lakes”) submit this Stipulated Motion to Stay this case pending the Washington Supreme Court’s decision in *Hill & Stout PLLC v. Mutual of Clallam Insurance Co.*, No. 100211-4 (review granted Jan. 5, 2022) (“*Hill & Stout*”).

The Washington Supreme Court granted discretionary review in *Hill & Stout*, which, like this matter, involves a dispute over insurance coverage for alleged business interruption losses attributed to COVID-19 and/or government closure orders. *Hill & Stout* is scheduled for oral argument on June 28, 2022. The court's decision in *Hill & Stout* may impact central legal questions in this case.

STIPULATED MOTION TO STAY
NO.: C22-637-RSL-MLP

1 Therefore, the parties jointly request to stay this matter, including discovery and all
2 deadlines, pending the Washington Supreme Court's decision in *Hill & Stout*. The parties
3 expressly agree that this stipulation and proposed stay do not waive any rights or defenses,
4 including but not limited to defenses listed in Federal Rule of Civil Procedure 12(b) or 12(c).
5 The parties further agree to file a Status Report within sixty (60) days of that decision to
6 provide the Court with an update on the case status.

7 Dated: May 12, 2022.

8 BULLIVANT Houser BAILEY PC

9 KELLER ROHRBACK LLP

10 By: s/ Jared F. Kiess

11 Daniel R. Bentson, WSBA #36825
Email: dan.bentson@bullivant.com
12 Jared F. Kiess, WSBA #54532
Email: jared.kiess@bullivant.com

13 Attorneys for Defendant

14 By: s/ Gabriel E. Verdugo

15 Gabriel E. Verdugo, WSBA #44154
Email: gverdugo@kellerrohrback.com

16 By: s/ Nathan L. Nanfelt

17 Nathan L. Nanfelt, WSBA #45273
Email: nnanfelt@kellerrohrback.com

18 CRANE DUNHAM PLLC

19 By: s/ Stephen J. Crane

20 Stephen J. Crane, WSBA #4932
Email: scrane@cranedunham.com

21 Attorneys for Plaintiff

22 ORDER

23 Based on the parties' stipulation, this matter is STAYED, including discovery and all
24 current deadlines, pending the Washington Supreme Court's decision in *Hill & Stout*, or until
25 **November 21, 2022**, whatever occurs earlier. The parties shall file a Status Report within
26 **sixty (60) days** of the Washington Supreme Court's decision, or otherwise by **November 21**,

1 **2022**, to update the Court on the case status.

2 **IT IS SO ORDERED.**

3 Dated this 23rd day of May, 2022.

4
5 

6

MICHELLE L. PETERSON
7 United States Magistrate Judge
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26